

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. Claims 1-49 have been amended. Claims 1-49 are pending in this application.

Claims 1-49 have been amended to correct informalities, to change the wording, and/or to make reference to a proper claim. It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132. For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicant requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Claim Objection

Claims 7, 13, 14, 34-38, and 44 were objected to under C.F.R. §1.75(c) as being allegedly in improper form because a multiple dependent claim can refer back to a preceding claim in the alternative only.

Applicant respectfully notes that this objection is improper because it is not based on the pending claims. The Examiner is advised to draw his attention to the preliminary amendment of August 15, 2006, by which claims 7, 13, 34, and 44, which are subject to this objection, were amended to refer to a respective single claim. Claims 14 and 35-38 depend directly or indirectly from claim 13 or claim 34, and thus are allowable for at least this reason. In addition, claims 45-49, which were added by the preliminary amendment, depend from a respective single claim. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 7, 13, 14, 34-

38, and 44.

Rejections Under 35 U.S.C. §112

Claims 1-6, 8-12, 15-33, and 39-43 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner believed that “[t]he claims generally suffer from syntax and typographical errors and appear to be a direct translation from the Spanish language,” particularly indicating the followings:

- (1) In claim 1, there is no antecedent basis for “its lower portion” recited in line 2;
- (2) In claim 1, “and” recited in line 5 should be deleted;
- (3) In claim 1, “crossing” recited in line 7 should be changed to -- extending --;
- (4) In claim 1, “to mount and rotate the stretchers which are rotationally mounted” recited in lines 8-9 is suggested to be changed to -- to rotationally mount the stretchers --;
- (5) In claim 1, there is no antecedent basis for “the longitudinal sides of the first stretcher” recited in lines 11-12;
- (6) In claim 1, “such” recited in line 12 should be changed to -- said --; and
- (7) In claim 20, the trademark/trade name “Velcro” is recited.

In response to the rejections above, claims 1 and 20 have been amended as follows:

The term “its lower portion,” recited in claim 1, line 2, has been replaced with -- a lower

portion of the structural base --;

The term “and,” recited in claim 1, line 5, has been removed from the claim, in accordance with the Examiner’s suggestion;

The term “crossing,” recited in claim 1, line 7, has been replaced with -- extending --, in accordance with the Examiner’s suggestion;

The term “front and rear members to mount and rotate the stretchers which are rotationally mounted on the structural base,” recited in claim 1, lines 8-9, has been replaced with -- stretcher mounting and rotation members to rotationally mount the stretchers on the structural base --, in accordance with the Examiner’s suggestion;

The term “the longitudinal sides of the first stretcher,” recited in claim 1, lines 11-12, has been replaced with -- longitudinal sides of the first stretcher --;

The term “such,” recited in claim 1, line 12, has been replaced with -- the --, in accordance with the Examiner’s suggestion; and

The term “Velcro,” recited in claim 20, line 2, has been removed from the claim, in accordance with the Examiner’s suggestion.

In addition to the above, Applicant has amended all of pending claims 1-49 to more clearly recite the claimed subject matter, in response to the Examiner’s indications that “[i]t is suggested that all of the claims be revised for typographical errors and for syntax in response to this rejection,” as in page 3, lines 6-7 of the Office Action. By these amendments, Applicant believes that the rejection of claims 1-6, 8-12, 15-33, and 39-43 has been overcome.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second

paragraph, rejection of claims 1-6, 8-12, 15-33, and 39-43.

Rejections Under 35 U.S.C. §102

Claim 1 stands rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 3,238,539 issued to Koch (“Koch”). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that the rejections of claim 1 must be withdrawn because the cited reference does not disclose, teach, or suggest all of the features of the claimed subject matter. “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “when evaluating the scope of a claim, every limitation in the claim must be considered. U.S.P.T.O. personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claim as a whole must be considered.” *U.S.P.T.O. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, page 9, October 26, 2005. As the Federal Circuit stated, “[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

In view of this framework, Applicant respectfully submits that Koch fails to disclose

every recited feature of claim 1. Specifically, claim 1 recites, *inter alia*:

A rotating therapeutic bed comprising:

...

a first **removable stretcher** having a first mattress to support *a patient laying on his back*;

a second **removable stretcher** having a second mattress which is located in a reversed fashion over the first stretcher and over the patient, who is laying between the mattresses of both stretchers, the second stretcher supporting *the patient laying face down when the stretchers are rotated by 180°* about a rotation axis extending along the patient; ...

In order for Koch teaches the claim features recited above, it must disclose two removable stretchers each having respective mattress. The Examiner implied that the “first removable stretcher having a first mattress” is taught by Koch’s mattress halves 15, 15’ forming a lower mattress supported by the frame 21 and arms 17, 18; and that the “second removable stretcher having a second mattress” is taught by Koch’s mattress halves 16, 16’ forming an upper mattress supported by the frame 21 and arms 17, 18 (Office Action, page 4, lines 6-8). Applicant respectfully disagrees. No teaching or suggestion is found in Koch that any of the frame 21 and arms 17, 18 can be removed from the rotatable bed. Rather, it is apparent from the constitution shown in the Koch drawings that the arms 17, 18 are rotatably fixed to the stationary bed frame, which includes the head part 2, foot part 3, and longitudinal tubes 4, via the frame 21 (See Figs. 1, 2, 6, and 7). In contrast, according to the claimed subject matter, the first and second stretchers (1200, 1300) can be removed from the rotatable therapeutic bed (1000) (See Figs. 1-3). Thus, Koch fails to teach such removable stretchers as recited in claim 1.

Furthermore, as illustrated in Fig. 7 of Koch, the arms 17, 18 and frame 21 cannot be

rotated by 180° because the structure of the rail 23 allows a certain limited range of the pivotal angle, which is obviously smaller than 180°. *See Koch, Col. 2, lines 54-60.* “The free end of each of the mattresses 15 and 15’ is ..., whereby the pivoting movement which the mattresses can perform about the respective rods 19 is limited downwards” (emphasis added). Thus, according to the reference teachings, the 180° rotation of the mattress cannot be achieved in a normal operation of the bed, and as a consequence, a patient “laying on his back” cannot be rotated so that the patient becomes “laying face down” between the same mattresses.

Accordingly, it is clear that Koch does not teach or suggest the above-cited features of claim 1.

In addition to the above deficiencies, Koch also fails to teach the following feature of claim 1:

side barriers coupled to longitudinal sides of the first stretcher as well as to longitudinal sides of the second stretcher, the barriers *covering the vertical spacing* between the stretchers where the patient is laying, *thereby preventing the limbs of the patient from protruding out of the stretchers when rotated* (emphasis added)

As to this claim feature, the Examiner alleged that Koch’s frame 21 teaches the side barrier above (Office Action, page 4, lines 11-12). The frame 21, however, does not have all of the features cited above. As shown in Figs. 1-4, the frame 21 is the only tube that is provided in a space between the upper and lower mattresses 15, 15’; 16, 16’ and simply extends along the longitudinal side of the mattresses. Thus, with this configuration, the frame 21 is not considered as covering the vertical spacing between the arms 17, 18, which the Examiner believes correspond to the stretchers recited in claim 1. Moreover, the simple extension of the frame 21 in a horizontal direction would not prevent the limbs of the patient from protruding out of the

arms 17, 18. In contrast, according to an embodiment of the presently claimed subject matter, the frame of the side barriers (1500) completely covers the whole vertical spacing between the first and second stretchers (1200, 1300) (*See* Fig. 1). As shown in Fig. 3, each of the side barriers (1500) has four horizontal beams and seven vertical beams, whereby it covers the vertical spacing and prevents the protrusion of the patient limbs. Accordingly, claim 1 is allowable even in view of this claim feature.

The presently claimed subject matter is directed to solve particular problem that would happen when treatments of patients are performed. This solution involves the manufacturing of a rotating therapeutic bed comprising elements that can be quickly and easily removed. In particular, a feature of the claimed subject matter is that the first and second mattresses are fixed on the first and second removable stretchers, respectively. No removable stretchers are presented in Koch. Besides, the first and second mattresses are manufactured in a continuous manner, which essentially means that each mattress, on which the patient lay, is not divided into two halves, like the portable bed for invalids described in Koch.

Another distinguishable feature of the presently claimed subject matter is the side barriers which are coupled to the longitudinal sides of the therapeutic bed. Here, it should be understood that the term “couple” means “to join two things together” (Larousse Chamber English Dictionary, first edition). Koch, however, does not disclose this feature since the frame is permanently connected to the other tube elements.

Furthermore, Koch describes that “... a stationary rail 23 secured to both ends of the bed frame ...,” necessary to limit the pivoting movement of the mattresses, as described in Col. 2,

lines 54-68. In contrast, an aspect of the claimed subject matter includes a plurality of members to rotationally mount the rear and front stretchers, as described in page 3, lines 12-16.

Therefore, Applicant respectfully submits that claim 1 is allowable over Koch because the reference fails to teach every single feature recited in the claim.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of claim 1. Since none of the other prior art of record discloses or suggests all the features of the claimed subject matter, Applicant respectfully submits that claim 1 is allowable.

Allowable Subject Matter

Applicant appreciates the indication that claims 2-6, 8-12, 15-33, and 39-43 are allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and in independent form to include all of the limitations of the base claim and any intervening claims. Claims 2-6, 8-12, 15-33, and 39-43 have been amended to overcome the 35 U.S.C. §112, second paragraph rejections, but have not been amended in independent form because Applicant believes that independent claim 1 is allowable. Accordingly, Applicant respectfully submits that claims 2-6, 8-12, 15-33, and 39-43 are in condition for allowance.

CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

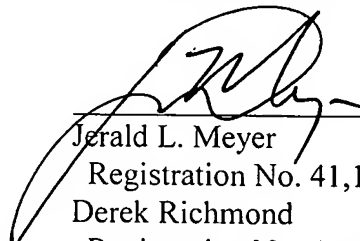
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

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